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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,773	12/31/1998	GREGORY S. LINDHORST	3797.09761	3335

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EXAMINER

GOODFRIEND, JASON H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/223,773

Applicant(s)

LINDHORST ET AL.

Examiner

Jason H Goodfriend

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 December 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 12/31/98, the Preliminary Amendment filed on 4/2/02, and the IDS filed on 4/2/02.
2. Claims 1-14 are pending in the case. Claims 1 and 8 are independent claims.

### **REQUIRED CORRECTIONS**

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The declaration does not contain the required information of all of the inventors, so this must be corrected. Specifically, the names "John Buehler" and "David Johnson" are listed on page 1 of the specification as inventors (along with the other inventors), but these names and the required information that should go with these names are not listed in the declaration.

### **OBJECTIONS**

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the items referred to as

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“device 202, “space 1001”, and “event 1036” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: “1008” (listed in Figure 2) “501” (listed in Figure 9) and “705” (listed in Figures 11 and 12). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### REJECTIONS

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 5 recites the limitation "said objects" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 5 is dependent on Claim 1, and

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there is no mention of "objects" in Claim 1. Claim 12 recites the limitation "said objects" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 12 is dependent on Claim 8, and there is no mention of "objects" in Claim 8.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-4, 6-11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ingham (D.B. Ingham, "W3Objects: A Distributed Object-Oriented Web Server", Sixth International World-Wide Web Conference, Santa Clara, California, April 1997).** (Note: The publication date for this paper is provided in the Web page with address <http://w3objects.ncl.ac.uk/pubs>.)

**Regarding independent Claim 1 and independent Claim 8,** Ingham teaches a distributed object-oriented web server environment known as *W3Objects*. It is stated on page 1, first paragraph that any implementation of *W3Objects* "conform to an HTTP interface". Therefore, this clearly includes an input for receiving input from Web designers. On page 2, last bullet, it is stated that *W3Objects* persist across requests, and that session-based state can be held internally. This immediately implies that *W3Objects* operate on an event-driven basis.

On page 3, first paragraph, Ingham teaches the language known as *W3Oscript*, which encodes "the presentation logic of a service in an interpreted language".

Furthermore, on page 2, first bullet, it is stated, “The architecture supports arbitrary allocation of services to processes and processes to machines, in a manner which is completely transparent to users”. Hence, the *W3Objects* is able to translate back-and forth between event-driven programs and serial execution code.

**Regarding dependent Claim 2 and dependent Claim 9,** Ingham states on page 1, last paragraph, that in the *W3Objects* environment, data passes between the client and the server. This implies that a client is connected to the server. It is already been stated that the *W3Objects* environment is capable of sending and receiving serial execution code. On page 2, first bullet, it is stated, “The architecture supports arbitrary allocation of services to processes and processes to machines, in a manner which is completely transparent to users”. This means that from the viewpoint of the server and client, the programs are operating as if they were on a single machine.

**Regarding dependent Claim 3 and dependent Claim 10,** Ingham states on page 1, first paragraph, that Web resources are represented as objects.

**Regarding dependent Claim 4 and dependent Claim 11,** Ingham teaches a server-side scripting language called *W3OScript* on page 3, first paragraph. Resulting scripts can themselves be objects, so they can be placed into event-driven programs. Since scripts can be stored as objects, this implies the existence of a scripting library.

**Regarding dependent Claims 6, 7, 13, and 14,** the object-oriented environment of *W3Objects* clearly processes event-driven programs. In this environment, it is irrelevant as to whether or not first and second event-driven programs are the same or different.

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingham (D.B. Ingham, "W3Objects: A Distributed Object-Oriented Web Server", Sixth International World-Wide Web Conference, Santa Clara, California, April 1997), in view of *Business Wire* ("Next Microsoft 2: NeXT Software and Microsoft Corp. Q&A", *Business Wire*, March 1996).** (Note: The publication date for the Ingham paper is provided in the Web page with address <http://w3objects.ncl.ac.uk/pubs>.)

**Regarding dependent Claim 5 and dependent Claim 12,** Ingham does not explicitly mention design-time controls for controlling the generation of objects. However, *Business Wire* teaches properties of *WebObjects*. *WebObjects* was well-known to be an event-driven, object-oriented Web environment. On page 1, it is stated that *WebObjects* can generate pages containing applets such as *ActiveX Controls*. It was well-known that *ActiveX Controls* is a type of design-type control. One of the major motivations for introducing objects into the Web was to make the use of dynamic scripting appear to be seamless and user-friendly to the users. For this reason, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ingham and *Business Wire*.

### **ADDITIONAL PRIOR ART**

12. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure.

Ingham et al (December 1995) teaches additional properties of W3Objects.

Gish (US 6,304,893 filed 07/01/1996) teaches an object-oriented framework for client-server interaction.

House et al (US 5,875,322 filed 03/31/1997) teach a programming development environment that supports the development of controls that may be executed in a computer connected to the Internet, without the requirement that the controls be installed on the server.

### **CONTACTING THE EXAMINER**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason H. Goodfriend whose telephone number is (703) 305-4872. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone numbers for the organization where this application is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.




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Any inquiry of a general nature or relating to the status of the application or proceeding should be directed to the receptionist who telephone number is (703) 305-3900.

JHG

June 28, 2002

  
HEATHER R. HERNDON  
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